

ALVERSON TAYLOR & SANDERS
 KURT R. BONDS, ESQ.
 Nevada Bar No. 6228
 DAVID M. SEXTON, ESQ.
 Nevada Bar No. 14951
 6605 Grand Montecito Pkwy, Ste. 200
 Las Vegas, NV 89149
 Telephone: 702-384-7000
 Facsimile: 702-385-7000
 Email: kbonds@alversontaylor.com
dsexton@alversontaylor.com
Attorneys for Defendant
O'Reilly Auto Enterprises, LLC

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

TYLER UNDERWOOD,

 Plaintiff,

 vs.

 O'REILLY AUTO PARTS, INC., et al.,

 Defendants.

Case No: 2:21-cv-01766-GMN-NJK

**STIPULATION AND ORDER TO SET
 ASIDE DEFAULT ENTERED AGAINST
 O'REILLY AUTO PARTS, INC. AND
 TO AMEND THE DEFENDANT'S
 NAME**

COMES NOW, Plaintiff, TYLER UNDERWOOD ("Plaintiff") and Defendant, O'REILLY AUTO ENTERPRISES, LLC, (named in the complaint as O'Reilly Auto Parts, Inc.) ("Defendant"), by and through their respective counsel of record, hereby stipulate and agree to set aside the Default entered by the Court's clerk on February 24, 2022 (ECF No. 108). Under Fed. R. Civ. P. 55(c), a court may set aside a default for good cause. Here, good cause exists.

Defendant was named in the complaint as O'Reilly Auto Parts, Inc. Defendant intends to appear as O'Reilly Auto Enterprises, LLC. Plaintiff filed a Motion for Entry of Clerk's Default against O'Reilly Auto Parts, Inc. on February 9, 2022 (ECF No. 104). Defendant's counsel had a telephone conference with Plaintiff's counsel regarding the Motion for Entry of Clerk's Default. Counsels for Plaintiff and Defendant agreed to have Defendant go ahead and file an Answer with

ALVERSON TAYLOR & SANDERS
 LAWYERS
 6605 GRAND MONTECITO PKWY STE 200
 LAS VEGAS, NV 89149
 (702) 384-7000

the expectation that filing an Answer would prevent the entry of default. Defendant filed its Answer on February 11, 2022 (ECF No. 105).

Despite this Answer being filed, the Clerk entered Default against O'Reilly Auto Parts, Inc. on February 24, 2022. Counsel for Plaintiff and counsel for Defendant had another telephone conference to discuss the Default. In that telephone conference, the Parties agreed to stipulate to set aside the Default and allow the Parties to proceed with this litigation. Therefore, this Court should find good cause and set aside the Default against Defendant.

Counsel for Plaintiff and Counsel for O'Reilly further stipulate to amend the Complaint to change the name of O'Reilly Auto Parts, Inc. to O'Reilly Auto Enterprises, LLC.

IT IS SO STIPULATED.

DATED this 8th day of March, 2022

DATED this 8th day of March, 2022

/s/ David M. Sexton

/s/ Andrew J. Dupont

ALVERSON TAYLOR & SANDERS
KURT R. BONDS, ESQ.

CLIFF W. MARCEK, P.C.
CLIFF W. MARCEK, ESQ.

Nevada Bar No. 6228

Nevada Bar No. 5061

DAVID M. SEXTON, ESQ.

411 E. Bonneville Ave., Suite 390

Nevada Bar No. 14951

Las Vegas, Nevada 89101

6605 Grand Montecito Parkway
Suite 200

and
LOCKS LAW FIRM

Las Vegas, Nevada 89149

ANDREW J. DUPONT, ESQ.

Attorneys for Defendant O'Reilly

Admitted Pro Hac Vice

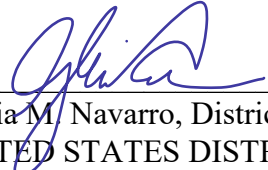
601 Walnut Street, Suite 720 East
Philadelphia, PA 19106

Attorneys for Plaintiff

ORDER

Based upon the stipulation of the parties and good cause appearing, the Default entered against Defendant (ECF No. 108) is SET ASIDE.

Dated this 9 day of March, 2022.


Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT